

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,

v.

ABDULNASSER ALSUMAIRI,
Defendant.

Case No. 18-cv-00464-KAW

ORDER TO SHOW CAUSE

Re: Dkt. No. 73

On January 29, 2019, Plaintiff filed a notice of settlement as to Defendant Abdulnasser Alsumairi. (Dkt. No. 52.). On February 4, 2019, the Court ordered Plaintiff to file a dismissal of Defendant Alsumairi within 60 days. (Dkt. No. 54.)

Plaintiff did not file the dismissal of Defendant Alsumairi. On May 28, 2019, Plaintiff and Defendant Alsumairi filed a joint status report. (Dkt. No. 62.) The parties stated that Defendant Alsumairi's counsel, Attorney Michael Welch, "has not been terribly responsive." (*Id.* at 2.) On May 6, 2019, Attorney Welch informed Plaintiff that Defendant Alsumairi had mailed the payment to Attorney Welch's office, and that Attorney Welch would forward the payment without delay. (*Id.*) As of May 28, 2019, however, Plaintiff had not received the settlement funds. (*Id.*)

On July 17, 2019, the Court ordered Plaintiff to file a dismissal of the case or a status report within 60 days. (Dkt. No. 69.) The Court further stated: "If Attorney Welch has not forwarded the settlement payment by then, Attorney Welch shall explain why he has failed to do so, and explain why he should not be sanctioned and/or reported to the State Bar." (*Id.* at 2.)

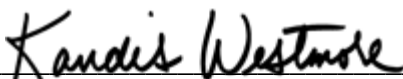
On September 13, 2019, Plaintiff filed a unilateral status report, stating that he had still not received payment and the settlement had not been consummated. (Dkt. No. 73 at 2.) Plaintiff further stated that although Plaintiff's counsel had called, e-mailed, and attempted to meet and

1 confer with Attorney Welch, “each effort was ignored.” Plaintiff attached various e-mails to
 2 Attorney Welch that he had failed to respond to, including e-mails on August 15, August 21,
 3 September 12, and September 13. (Seabock Decl., Exh. 1.) The e-mail chain also included e-
 4 mails in which Attorney Welch repeatedly stated that the money would be sent, but then
 5 apparently failed to do so. (*Id.*) Plaintiff further attached a September 6, 2019 letter sent to
 6 Attorney Welch, raising the payment issue. Plaintiff stated that he would likely move to enforce
 7 the terms of the settlement agreement, or to request that the case be reopened and seek default
 8 against Defendant Alsumairi.

9 Attorney Welch has not filed a response, despite the Court’s July 17, 2019 order.
 10 Significantly, Attorney Welch’s actions appear to be putting his client at risk of additional
 11 attorney’s fees and costs should the settlement not be completed. Accordingly, the Court
 12 **ORDERS** Attorney Welch to show cause why he should not be sanctioned, by **September 24,**
 13 **2019**, by explaining: (1) why he has not provided the settlement payment, and (2) why he has not
 14 complied with the Court’s order. Failure to comply **will** result in the imposition of sanctions of
 15 \$1,000, as well as referral to the Northern District of California’s Standing Committee on
 16 Professional Conduct and the California State Bar. The Court **SETS** a show cause hearing for
 17 **October 3, 2019 at 1:30 p.m.** Attorney Welch shall personally appear.

18 IT IS SO ORDERED.

19 Dated: September 17, 2019

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 21 KANDIS A. WESTMORE
 22 United States Magistrate Judge
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